



## *Ira C. Ritter and The Kroger Co., v. Jerry and Ruth Stanton*

### Lesson 1: Can I have a jury trial?

A lesson plan for secondary teachers on the constitutional protections of trial by jury\*

\*The staff of the judicial branch chose this case as a useful tool to teach an interesting aspect of the law. Its selection has no bearing on how the case will ultimately be decided. Since the members of the court did not participate in the preparation of the lesson plan, the issues raised in it will not necessarily be addressed in the oral argument.

#### **Background:**

This lesson is based on the case of *Ritter v. Stanton*, but it can also be used as a stand-alone lesson on the constitutional right to trial by jury. The case summary, the briefs of the [appellants](#) (Ritter and Kroger Co.) and the [appellees](#) (Jerry and Ruth Stanton), and the one-hour webcast of the November 14, 2001 oral argument before the Indiana Supreme Court for *Ritter v. Stanton* are all available online at <http://www.in.gov/judiciary/education/cotm.html>

A separate lesson, giving an overview of the [structure of Indiana's court system](#), is also available to provide students with general information about how Indiana courts works from the Courts in the Classroom homepage at <http://www.in.gov/judiciary/education/>.

A [glossary](#) of legal terms used in this and other Courts in the Classroom lesson plans is available online as well.

#### **Learning Objectives:**

At the end of this lesson students should be able to:

1. Understand the legal phrase "trial by jury" and how it differs from a bench trial;
2. Discuss the protections offered by the U.S. Constitution and the Indiana Constitution regarding the right to trial by jury and how those rights are similar or different;
3. Use classroom, library and/or internet resources to research press coverage of jury trials; and
4. Compare the constitutional protection of individual liberties, specifically trial by jury, found in the U.S. and Indiana Constitutions with similar provisions in documents from nations around the world.

## Learning Activities

1. Conduct a brainstorming session with students about the concept of trial by jury. Ask them, for example, what they think it means. Ask them to think about what courts would be like without juries. Ask if any students' parents have served on a jury.
2. Despite the impression we receive from television, very few legal issues are resolved by juries, or even go to trial at all. Ask students to research the differences between a jury trial and a bench trial. A [legal dictionary](#) like the one at [www.Findlaw.com](http://www.Findlaw.com) might be a good place to start. You might also talk about how many legal situations are resolved before they ever get to the courtroom. Plea-bargaining is one example of non-trial remedies that you might discuss. Indiana's legal system recognizes many kinds of "alternative dispute resolution" methods including arbitration, mediation, mini-trials and private judges.
3. The guarantee of trial by jury is considered by many Americans to be one of their most fundamental rights. Ask students to examine the [U.S. Constitution](#) for any mention of the right to a jury trial; you might direct them to focus on Article III and the [Bill of Rights](#). Ask another group of students to similarly examine the [Indiana Constitution](#) for information on the right to jury trials (encourage them to closely examine Article I). Ask the students to think about why additional protections concerning trials were added to the Constitution in the Bill of Rights. Ask them to compare the protections offered in the U.S. and Indiana Constitutions. Are they identical? Pay particular attention to the discussion of civil trials. In Indiana, the legal remedy in a civil case does not always result in a jury trial.
4. Using local newspapers, news magazines such as *Newsweek*, *Time*, or *U.S. News & World Report*, or the Internet ask students to read media coverage of jury trials. What kind of cases seem more likely to result in jury trials based on their research? What kind of information does the press tend to emphasize? How much coverage is given to the jury selection process? Choosing a high profile case such as the O.J. Simpson or Timothy McVeigh trials might make this easier.

## For Further Study:

1. Invite a local judge, prosecutor or attorney to visit your classroom; the [Indiana StateBar Association](#) ([www.inbar.org](http://www.inbar.org)) and [local bar associations](#) are great resources for locating attorneys who are interested in working with schools. Consider taking your students to visit the local courthouse to tour a courtroom; you might even have the opportunity to sit in on part of a trial.
2. To give your students a better appreciation of the U.S. legal system, ask them to compare our legal system with that of a foreign country (using [constitutions or other national documents](#) available on the Internet or in local libraries).

## Related Indiana Social Studies Standards

U.S. Government.1.13: Examine fundamental documents in the American political tradition..., the [United States Constitution](#)..., the Indiana Constitutions of [1816](#) and [1851](#) to identify key ideas regarding the nature of limited government and the protection of individual rights.

U.S. Government.3.15: Compare core documents associated with the protection of individual rights, including the [Northwest Ordinance](#), the [Bill of Rights](#), the [Fourteenth Amendment](#) to the United States Constitution, and [Article I of the Indiana Constitution](#).

U.S. Government.3.7: Distinguish among the enumerated, implied, and denied powers in the [United States Constitution](#) and the [Indiana Constitution](#).

U.S. Government.4.11: Use a variety of information sources, including electronic media, to gather information about the impact of American ideas about democracy and individual rights in other areas of the world.